



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:  
Andre Leguen; Catherine Cantenot

For ERGONOMIC SEATING MODULE  
AND SEAT FITTED WITH  
SAID MODULE

Atty Dkt: GLN-050/US

§ Serial No: 10/510,456  
§  
§ Filed: October 4, 2004  
§  
§ Group Art Unit: 3636  
§  
§ Examiner: Stephen A. Vu  
§ 571.272.6862  
§

MAIL STOP PETITION  
Commissioner for Patents  
Alexandria, Virginia 22313-1450

"EXPRESS MAIL" MAILING LABEL	
Number:	<u>EV 317504385 US</u> Date of Deposit: <u>9-MAY-06</u>
<small>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</small>	
Signature	<u>Hugh R. Kress</u>
Printed Name	<u>HUGH R. KRESS</u>

**STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. § 1.137  
TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Sir:

This paper accompanies a Petition to Revive Unintentionally Abandoned Application (Form PTO/SB/64) in connection with the above-referenced application. Applicants, by and through the undersigned attorney, hereby petition under 37 C.F.R. § 1.137 to revive the above-referenced application, which was unintentionally abandoned for failure to timely respond to an Office Action dated September 1, 2005 ("the Office Action").

The facts are as follows:

- The undersigned attorney for the Applicants assumed responsibility for this application on or about September 7, 2005, as part of the assumption of responsibility for a collection of over 35 active files transferred from another law firm, Van Tassell & Associates.

- The transfer of the present file to the undersigned's firm coincided within a matter of days of the receipt of the Office Action by Van Tassell & Associates. Van Tassell & Associates promptly forwarded the Office Action to the undersigned upon receipt.
- The undersigned enlisted the assistance of his firm's administrative and clerical staff to assimilate the collection of files transferred from Van Tassell & Associates. This effort involved the physical examination of each file and the verification and entry of relevant dates into the undersigned firm's docketing system.
- Through administrative error, which in retrospect cannot be ascribed with any certainty to a particular individual, issuance of the Office Action and its receipt by the undersigned was not timely recorded in the undersigned's firm's docketing system, upon which the undersigned relies to ensure timely attention to such matters.
- As a consequence of this error, the undersigned failed to timely respond to the Office Action. The undersigned accepts full responsibility for this inadvertent and unintentional failure.
- The undersigned became aware of his oversight only upon receipt by Van Tassel & Associates of a Notice of Abandonment dated March 31, 2006, which Notice Van Tassel & Associates promptly forwarded to the undersigned upon receipt.

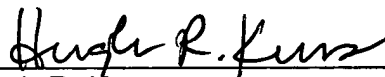
In view of the foregoing facts, it is believed that abandonment of the application was "unintentional" as required by 37 C.F.R. § 1.137(b). Accompanying this Petition are the following:

- a Petition to Revive Unintentionally Abandoned Application (Form PTO/SB/64)
- a Response to the Office Action;
- a Petition for Extension of Time and accompanying fee payment;
- the Petition Fee as set forth in 37 C.F.R. § 1.17(m); and
- Revocation of Power of Attorney/New Power of Attorney (Form PTO/SB/82).

Applicants hereby formally petition for revival of this application such that prosecution on the merits can proceed.

Respectfully submitted,

Date: 9-MAY-2006



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05-10-06

b DFE  
JFW

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PTO/SB/64 (10-05)  
Approved for use through 07/31/2006. OMB 0651-0034  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
GLN-050/US

First named inventor: Andre Leguen

Application No.: 10/510,456

Art Unit: 3636

Filed: October 4, 2004

Examiner: Stephen A. Vu

Title: ERGONOMIC SEATING MODULE AND SEAT FITTED WITH SAID MODULE

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) 05/11/2006 SDENBOB1 00000011 10510456

01 FC:1453

1500.00 OP

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of a Response to Office Action & Petition for Extension of Time (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Hugh R. Kress  
Signature

9-MAY-2006  
Date

Hugh R. Kress  
Typed or printed name

36,574  
Registration Number, if applicable

Browning Bushman, P.C.  
Address

713-266-5593  
Telephone Number

5718 Westheimer, Suite 1800, Houston, Texas 77057  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Petition for Extension of Time and associated fee payment

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

9-MAY-2006  
Date

Hugh R. Kress  
Signature  
Hugh R. Kress

Typed or printed name of person signing certificate